

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
TUESDAY, DECEMBER 5, 2006

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MI 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN  
DEAN AUSILIO, VICE CHAIRMAN  
MICHAEL D. KOEHS, SECRETARY  
CHARLES OLIVER, MEMBER  
JOA PENZIEN, MEMBER  
ARNOLD THOEL, MEMBER  
DEBORAH ZOLNOSKI, MEMBER

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel  
Jerome Schmeiser, Planning Consultant  
(Additional attendance on file at the Clerk's Office)

Chairman GALLAGHER called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

**ROLL CALL**

1. Clerk KOEHS called the roll and the entire Commission was present.

**APPROVAL OF THE AGENDA**

2. The agenda was reviewed and any additions, corrections or deletions were discussed and made.

**MOTION by AUSILIO seconded by ZOLNOSKI to approve the agenda as presented.**

**MOTION carried.**

**APPROVAL OF THE PREVIOUS MEETING MINUTES**


3. The minutes of the previous meeting held on November 20, 2006 were reviewed and any additions, corrections or deletions were discussed and made.

**MOTION by PENZIEN seconded by ZOLNOSKI to approve the minutes of the meeting of November 20, 2006 as presented.**

**MOTION carried.**

**AGENDA ITEMS**

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4.  **Revised Site Plan – Rauhorn Electric;** Located on the north side of 23 Mile Road and west of Regency Center Drive; Delbert Rau, Petitioner. Permanent Parcel No. 08-17-300-002

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of denial because of issues with the outside storage, the location of the dumpster and the dedication of the rights of way for Leone Drive and Electric Avenue.

Mr. Lawrence Powe and Mr. Delbert Rau, representing the petitioner, were present to answer any questions which the Commission might have.

**MOTION by AUSILIO seconded by KOEHS to table the revised Site Plan for Rauhorn Electric; Permanent Parcel No. 08-17-300-002 to the Planning Commission meeting of January 16, 2007.**

**MOTION carried.**

5.  **Revised Site Plan – Macomb Center Plaza;** Located northeast corner of 23 Mile Road and Romeo Plank Road; Aragona Properties, Petitioner. Permanent Parcel No. 08-17-476-005.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his concerns with the egress approved by the Road Commission from west bound 23 Mile Road into the site. He also expressed concerns for pedestrian traffic along 23 Mile Road and the bridge crossing there. He then stated his recommendation of approval.

Mr. Paul Aragona, representing the petitioner, was also present to answer any questions which the commission might have.

**MOTION by KOEHS seconded by ZOLNOSKI to approve the revised Site Plan – Macomb Center Plaza; Petitioner. Permanent Parcel No. 08-17-476-005 with the following conditions as recommended by the Planning Consultants:**

1. **The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.**
2. **The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.**

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3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones (a cobblestone measuring 3-8" in diameter are allowed) or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.

That all lawn areas including the front yard, side yard setbacks, rear yards, the areas between the sidewalk and curbs, and planting beds to be planted with grass and trees and maintained. The term grass means "pre-grown grass" referred to as sod. Seeding of grass areas is not allowed. This standard is derived from the land division ordinance section 17-162A14b(11).

4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.
8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.
9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.

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10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
11. That all signs be designated on the site plan and meet the Township requirements.
12. That the petitioner meets with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
13. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.
17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
18. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited.
20. That all requirements of the Zoning Ordinance be met.
21. If the matter being considered is a revised site plan, then all conditions of the earlier approval, that may apply to other features of the plan not being

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considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.


22. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture.
24. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

25. That all lawn areas must be developed in accordance with the zoning ordinance section 10.2402-B-6 which refers to the landscaping design standards of the Township Land Division Ordinance; Sec. 17-162-(b)(11) as amended which provides that all areas must be sodded with pre-grown grass and irrigated which include the areas of the property which also includes the road right-of-way.
26. The signs are not a part of this approval.
27. That the petitioner is aware that he is responsible for providing the safe passage for pedestrians across the Middle Branch of the Clinton River on his site.

**MOTION carried.**

6.  **Special Land Use and Site Plan for Bridgewater Estates Wetland Mitigation;** Located south side of 24 Mile Road, ¼ mile east of Romeo Plank Road; MSC Land Development, LLC, Petitioner. Permanent Parcel No. 08-17-201-002.

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Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Ms. Stacey Cerget , representing the petitioner, was also present to answer any questions which the commission might have.

**MOTION by KOEHS seconded by AUSILIO to approve the Special Land Use request for Bridgewater Estates Wetland Mitigation; Permanent Parcel No. 08-17-201-002 with the following conditions as recommended by the Planning Consultants:**

1. The petitioner complies with the conditions of the MDEQ File Nos. 04-63-0060-P, 05-50-0037-P, 05-50-0145-P, and 05-50-0043-P that controls subject property.
2. If the Township Board requires a stub street to be developed to the south of the Bridgewater Estates development then the wetland mitigation for MDEQ Permit No. 05-50-0037-P would have to be amended to reflect the development of a stub street into that area.
3. That the applicant submits documentation to the Township Engineer that the conditions of the permit are being satisfied by the applicant.
4. That the petitioner receives site plan approval for the development of the wetland area.
5. That the area shall be permanently and in perpetuity part of the open space for the Bridgewater Estates Site Condominiums. It shall never be split off and made separate from said condominium.
6. The petitioner complies with the conditions of the MDEQ File Nos. 04-63-0060-P, 05-50-0037-P, 05-50-0145-P, and 05-50-0043-P that controls subject property.
7. That the applicant submits documentation to the Township Engineer that the conditions of the permit are being satisfied by the applicant.
8. That the petitioner receives site plan approval for the development of the wetland area.
9. That the area shall be permanently and in perpetuity part of the open space for the Bridgewater Estates Site Condominiums. It shall never be split off and made separate from said condominium.

**MOTION carried.**


**MOTION by AUSILIO seconded by KOEHS to approve the Site Plan for the Special Land Use request for Bridgewater Estates Wetland Mitigation; Permanent Parcel No. 08-17-201-002 with the following conditions as recommended by the Planning Consultants:**

1. The petitioner complies with the conditions of the MDEQ File Nos. 04-63-0060-P, 05-50-0037-P, 05-50-0145-P, and 05-50-0043-P that controls subject property.
2. If the Township Board requires a stub street to be developed to the south of the Bridgewater Estates development then the wetland mitigation for MDEQ Permit No. 05-50-0037-P would have to be amended to reflect the development of a stub street into that area.

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3. That the applicant submits documentation to the Township Engineer that the conditions of the permit are being satisfied by the applicant.
4. The petitioner complies with the conditions of the MDEQ File Nos. 04-63-0060-P, 05-50-0037-P, 05-50-0145-P, and 05-50-0043-P that controls subject property.
5. That the applicant submits documentation to the Township Engineer that the conditions of the permit are being satisfied by the applicant.
6. An acceptable method of surety, such as a corporate surety bond or cash bond, in the amount established by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the conditions of the MDEQ permit. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period.
7. An acceptable method of surety, such as a corporate surety bond or cash bond, in the amount established by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the conditions of the MDEQ permit. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period.

**MOTION carried.**

7.  **Final Plan – Bridgewater Estates Condominiums;** Located south side of 24 Mile Road, ¼ mile east of Romeo Plank Road; MSC Land Development, LLC, Petitioner. Permanent Parcel No. 08-17-201-002.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Ms. Stacey Cerget, representing the petitioner, was also present to answer any questions which the commission might have.

**MOTION by AUSILIO seconded by PENZIEN to recommend to the Board of Trustees the approval of the Final Plan for Bridgewater Estates Condominiums; Permanent Parcel No. 08-17-201-002 with the following conditions as recommended by the Planning Consultants:**

1. The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations:
  - a. Macomb County Road Commission
  - b. Office of Public Works Commission of Macomb County
  - c. Macomb County Health Department
  - d. Macomb County Planning Commission
  - e. Michigan Department of Environmental Quality
  - f. All public utility companies affected.

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- g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying the plat to any public street be installed by the petitioner.
2. The Township Engineer approves all engineering plans for the computed plat.
3. That any detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.
4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the preliminary plan approval have been incorporated into the Final Plan.
5. That all lots within the Final Plan meet the requirements of the Township Zoning Ordinances.
6. Flood Plain Map Amendments and or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.
7. That all public street drain crossings within the boundaries of the Final Plan shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145 (10) of the Macomb Township Code.
8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
9. That the 'landscape easement'; that area labeled on the plan as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.



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10. That the final plan approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.
11. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plan. That the petitioner submits two (2) copies of the plan to the Supervisors office for addressing. Addresses will be assigned after Final Plan approval by the Township Board.
12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letter so that the street can be easily identified during the construction of the plan.
13. That the restrictive covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The 'Restrictive Covenants' must be approved by the Township Attorney before an application will be received for Final Plan.
14. That the articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The 'Articles of Incorporation' must be approved by the Township Attorney before an application will be received for Final Plan.
15. That the developer shall be responsible for having the Contract between Detroit Edison and Macomb Township executed and must establish the corresponding SAD for lamp charges. These items must be completed prior to the Developer applying for approval of the Final Plan.
16. That the footprints for lots 25, 27, 30, 31, 32, 33, 34, 35, 58, 59, 67, 117, 145, 163, 164, and 174 shall be recorded to provide notice that houses to be constructed on subject lots must be built within the footprints as approved.

**MOTION carried.**

8. Motion to receive and file all correspondence in connection with this agenda.

**MOTION by PENZIEN seconded by ZOLNOSKI to receive and file all correspondence in connection with this agenda.**

**MOTION carried.**

**PLANNING CONSULTANTS COMMENTS**

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**PLANNING COMMISSIONERS COMMENTS**

**MOTION by KOEHS supported by AUSILIO to change the date of the Planning Commission meeting scheduled for Tuesday, January 2, 2007 to Wednesday, January 3, 2007.**

**MOTION carried.**

**ADJOURNMENT**

**MOTION by PENZIEN seconded by ZOLNOSKI to adjourn the meeting at 8:43 p.m.**

**MOTION carried.**

Respectfully submitted,

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Edward Gallagher, Chairman

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Michael D. Koehs, CMC  
Macomb Township Clerk  
Planning Commission Secretary